

OFFICE OF THE
COUNTY COUNSEL

Brian E. Washington
COUNTY COUNSEL

September 18, 2019

Jack F. Govi
ASSISTANT COUNTY COUNSEL

SENT BY EMAIL ONLY

Renee Giacomini Brewer
CHIEF DEPUTY COUNTY COUNSEL

Dan Rubins
76617-46235576@requests.muckrock.com

Patrick M. K. Richardson
Stephen R. Raab
Steven M. Perl
Brian C. Case
Jenna J. Brady
Valorie R. Boughey
Kerry L. Gerchow
Tarisha K. Bal
Deidre K. Smith
Brandon W. Halter
Sarah B. Anker

Re: Public Records Act Request received July 5, 2019
Our Request No. 19-DA-116

Dear Mr. Rubins,

Our office represents the Marin County District Attorney's office. The purpose of this letter is to respond to your Public Records Act (PRA) request which requested:

DEPUTIES

Colleen McGrath
ADMINISTRATIVE SERVICES
OFFICER

[A]ll "Brady lists," "Giglio lists," "potential impeachment disclosure lists," or any similar compiled records or lists of records of the type set forth in California Penal Code § 832.7(b)(1)(C).

Marin County Civic Center
3501 Civic Center Drive
Suite 275
San Rafael, CA 94903
415 473 6117 T
415 473 3796 F
415 473 2226 TTY
www.marincounty.org/cl


The lists you seek in your request are exempt from production under the California Public Records Act (CPRA). First, a "Brady List" is exempt pursuant to Government Code section 6254(k), as releasing the records would violate other provisions of law, including but not limited to, Penal Code sections 832.7 and 832.8 [continued confidentiality of peace officer personnel records outside of limited categories] 1054.6 [attorney work product], Code of Civil Procedure section 2018.30 [attorney work product], and Evidence Code section 1040 [official information]. (*Commission on Peace Officer Standards and Training v. Superior Court* (2007) 42 Cal.4th 278, 289 [confidential nature of peace officer personnel records applies to any "information obtained from those records"]; *Dowden v. Superior Court* (1999) 73 Cal.App.4th 126, 128-135 [attorney work product]; *Fellows v. Superior Court* (1980) 108 Cal.App.3d 55, 63 [same].)

Second, a "Brady List" is exempt under Government Code section 6255, as the public's interest in non-disclosure clearly outweighs the public's interest in disclosure, given the exposure of confidential and sensitive peace-officer information to potential future offenders and the intrusion into the legally-protected privacy rights of peace officers.

The District Attorney's Office has no information in its possession to indicate whether an officer on the Brady list was placed there pursuant to material deemed non-confidential by SB 1421.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Sarah B. Anker
Deputy County Counsel